

- 1 Michael P. Williams CDCR # J-67958
- 2 Pelican Bay State Prison/Security Housing Unit
- 3 P.O. Box #7500 - D-Facility - Building #1 - cell 115
- 4 Crescent City, California. 95532-7000
- 5 IN PROPRIA PERSONA
- 6

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9

10 Michael P. Williams
11 [PLAINTIFF]

CASE NO. *CV-07-5574 MMC (PR)

AMENDED COMPLAINT

12
13 VS.

- 14 Michael Sayre; Chief Medical
- 15 Officer (C.M.O.) ASSIGNED TO
- 16 Pelican Bay State Prison in DEL
- 17 Norte County;
- 18 Sue RisenHoover; Facility Nurse
- 19 Practitioner (F.N.P.) ASSIGNED TO
- 20 D-Facility Security Housing Units)
- 21 AT Pelican Bay State Prison in DEL
- 22 Norte County;
- 23 J. Flowers; Registered Nurse (R.N.)
- 24 ASSIGNED TO Pelican Bay State
- 25 Prison in Del Norte County;
- 26 Joseph Kravitz; Health Program
- 27 Coordinator (H.P.C.) ASSIGNED TO
- 28 Pelican Bay State Prison in DEL

- 1.) DELIBERATE INDIFFERENCE
TO MEDICAL CONDITIONS
- 2.) DENIAL OF MEDICAL
TREATMENT
- 3.) FAILURE TO PERFORM
DUTIES
- 4.) CRUEL AND UNUSUAL
PUNISHMENT CAUSING
PAIN AND SUFFERING
- 5.) DEMAND FOR TRIAL

(1)

1 Norte County;
 2 Mawreen Mclean; Health Care Manager (H.C.M.) And
 3 Facility Nurse Practitioner (F.N.P.) ASSIGNED TO
 4 Pelican Bay State Prison in Del Norte County;
 5 R. Pimental; APPEALS EXAMINEE ASSIGNED AS
 6 the Facility Captain At Pelican Bay State Prison in
 7 Del Norte County;
 8 N. Grannis; IS the Chief Inmate Appeals Branch
 9 Officer in the California Department of Corrections
 10 And Rehabilitations (C.D.C.R.) in the Sacramento
 11 Office, Sacramento, California.

12
13 (DEFENDANT(S))

14
15
16 JURISDICTION

17
 18 1) This is a civil action Complaint Seeking
 19 Injunctive Relief and monetary damages by the above
 20 entitled defendant(s), for Deliberate Indifference to
 21 Known And Severe medical condition and needs of
 22 Plaintiff; Failure to perform assigned duties that would
 23 have prevented Severe Pain And Suffering of Known Medical
 24 Conditions which constituted Cruel And Unusual Punishment
 25 Without Paralogical Justification, And failure to investigate
 26 And perform duties in designated Appeals by Plaintiff to
 27 Prevent continual denial of necessary medical treatment

28
(2) AMENDED COMPLAINT

1 and Surgery demonstrating Deliberate Indifference, Cruel
2 and Unusual Punishment, And Pain and Suffering.

3 2.) This Action arises from violations under 42 U.S.C.
4 § 1983 Civil Rights.

5 3.) The Jurisdiction of this Court is based upon
6 28 U.S.C. Sections §§ 1331 and 1343.

7 4.) All of the above named Defendant(s) are
8 employees of the California Department Of Corrections
9 And Rehabilitations (C.D.C.R.) who are assigned to Pelican
10 Bay State Prison in Del Norte County where the claims
11 herein arise.

12 5.) In this Action venue is proper under 28
13 U.S.C. § 1391 (b)(2).

14
15 PLAINTIFF

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17 6.) Plaintiff, Michael P. Williams, is a state
18 Prisoner currently confined at Pelican Bay State Prison
19 (P.B.S.P.) assigned to the Security Housing Unit(s) (S.H.U.)
20 Located in Del Norte County.

21
22 DEFENDANT(S)

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24 7.) Defendant, Michael Sayre, is the Chief Medical
25 Officer (C.M.O.) assigned to Pelican Bay State Prison and is
26 the Supervisor of all medical personnel at Pelican Bay

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28 (3) AMENDED COMPLAINT

1 State Prison, To and including the Security Housing Units
 2 (S.H.U.). He is responsible for all decision making of
 3 Medical treatment for Prisoners; And, authorization for all
 4 Medical procedures afforded to prisoners at the prison.

5 8.) Defendant, Sue RisenHoover, is the facility
 6 Nurse Practitioner (F.N.P.) at Pelican Bay State Prison
 7 and is assigned to the "D"-facility, Security Housing Units
 8 (S.H.U.) in the position as the Primary Care Provider (P.C.P.)
 9 to Prisoners under her care. She is responsible for the
 10 Medical treatment and care of all Prisoners under her title
 11 as facility Nurse Practitioner (F.N.P.) position and is responsible
 12 to follow doctor's orders and recommendations and is
 13 responsible for Submitting Medical orders and
 14 recommendations to her Supervisor Defendant Michael Sayre
 15 as the Chief Medical Officer (C.M.O.) at the Prison.

16 9.) Defendant, J. Flowers, is designated as a
 17 Registered Nurse (R.N.) at Pelican Bay State Prison (P.B.S.P.)
 18 and is assigned to the "D"-facility Security Housing Units
 19 (S.H.U.). He is responsible for the health care of Prisoners
 20 and upon interview and observation to document the
 21 Medical Complaints and Submit the documentation to his
 22 Supervising Medical Officer.

23 10.) Defendant, Joseph Kravitz, is the Health Program
 24 Coordinator (H.P.C.) assigned to Pelican Bay State Prison (P.B.S.P.)
 25 in the position to effectively afford Prisoners access to
 26 Medical Care, treatment and alleviate severe pain Supported
 27

1 by diagnostic information and consultations with
 2 appropriate Specialists. He is responsible in Coordinating
 3 Medical programs to and including convening a Medical
 4 Authorization Review [MAR] committee to consider and
 5 approve medically necessary treatment and Surgery to
 6 prevent disability or alleviate severe pain.

7 11.) Defendant, Maureen McLean, is the Health Care
 8 Manager (H.C.M.) and Facility Nurse Practitioner (F.N.P.)
 9 assigned to Pelican Bay State Prison (P.B.S.P.) in the Position
 10 to effectively afford Prisoner's access to necessary Medical
 11 care, treatment and alleviate severe pain supported by
 12 diagnostic information and consultations with appropriate
 13 Specialists. She is responsible as a Manager of Health
 14 care at the Pelican Bay State Prison (P.B.S.P.), that afford
 15 Medical Programs to and including convening a Medical
 16 Authorization Review [MAR] committee to consider and
 17 approve medically necessary Health care, treatment and
 18 Surgery, when necessary, to prevent disability and/or
 19 alleviate severe pain.

20 12.) Defendant, R. Pimental, facility Captain who is
 21 designated as the Appeals Examiner at Pelican Bay State
 22 Prison (P.B.S.P.). He is responsible to review Prisoner's Appeals
 23 contents and examine all evidence without bias and
 24 review medical files, when necessary, to properly make
 25 an official response.

26 13.) Defendant, N. Grannis, is the Chief Inmate
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1 appeals Branch officer assigned in the California Department
 2 of Corrections and Rehabilitation (CDCR) in Sacramento,
 3 California. He is responsible for designating investigative
 4 Officials to examine inmate appeals, facts cited by appeals,
 5 documents and interviews of prison Officials and Prisoners.

6 14.) Each defendant is party to ~~this~~ civil action through
 7 their failure to properly perform assigned duties and responsibilities
 8 that caused civil Rights violations to Plaintiff.

9 15.) Each defendant was acting in their official and
 10 individual capacities acting under the Color of Law, And
 11 their assigned positions affected their actions and inactions
 12 that affected Plaintiffs' Health and Safety. Each defendant
 13 showed deliberate Indifference causing Cruel and Unusual
 14 punishment and directly caused pain and Suffering.

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Statement Of Facts

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18 16.) Plaintiff, Michael P. Williams was confined at
 19 Pelican Bay State Prison [P.B.S.P.] and confined in the Security
 20 Housing Units [S.H.U.], "D"-facility, Building #7, cell #290.

21 17.) Plaintiff Michael P. Williams Suffered extreme Pain
 22 and Suffering in his right knee that he brought to the
 23 attention of Pelican Bay State Prison Personnel, and
 24 whatever Doctor he saw, in an attempt to seek proper
 25 Medical treatment, and if necessary, Surgery to alleviate
 26 the pain and Suffering.

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1. 18) Eventually Plaintiff Michael P. Williams obtained
 2. approval by the Medical Authorization Review [MAR]
 3. Committee for surgery of right knee.

4. 19) On July 30th, 2004, Plaintiff was transported by van
 5. to Sutter Coast Hospital in Crescent City, California for
 6. an "Arthroscopy and Partial medial meniscectomy" Surgery on
 7. his right knee that was performed by Doctor Mark M. Law.

8. 20) Plaintiff Michael P. Williams, shortly after the
 9. July 30th, 2004 right knee surgery, began experiencing extreme
 10. pain and suffering. The pain got so severe that Plaintiff
 11. again sought out medical treatment from Sue RisenHoover,
 12. Facility Nurse Practitioner [F.N.P.], from August, 2004, up through
 13. November 8th, 2005. Plaintiff was prescribed pain medication
 14. "Robaxin" (750 mg) (SPEUNGS), "Gavapentin", and "Naproxin" (500mg),
 15. but these medications did not prevent the severe pain and
 16. suffering "DAILY", until approved for surgery, by Chief Medical
 17. Officer [C.M.O.] Michael Sayre, and the Pelican Bay State
 18. Prison Medical Authorization Review [MAR] committee to
 19. attempt to correct incompetent and botched surgery by
 20. Doctor Mark M. Law, on July 30th, 2004.

21. 21) On November 8th, 2005, Plaintiff Michael P. Williams
 22. was transported by van to Sutter Coast Hospital in Crescent
 23. City, California, undergoing a "Second" "Arthroscopy and
 24. Partial medial Meniscectomy" Surgery on the right knee in
 25. an attempt to correct the botched July 30th, 2004 Surgery.
 26. The November 8th, 2005 surgery was conducted by Orthopedic

1 Surgeon Gregory Duncan, who indicated that he did not have
 2 alot of cartilage to work with but, would attempt to
 3 correct the July 30th, 2004 surgery mistakes.

4 22) On April 2nd, 2006, Plaintiff Michael P. Williams
 5 Submitted a "Inmate Request For Interview" to the Pelican Bay
 6 State Prison [P.B.S.P.] Security Housing Units [S.H.U.] facility
 7 clinic seeking medical attention for back problems and Right
 8 Knee was giving him severe pain, and that a follow-up interview
 9 had been scheduled with Doctor Gregory Duncan, Orthopedic
 10 Surgeon. A registered nurse [R.N.] T. Longie responded in
 11 writing: "You have an appointment scheduled to follow up
 12 Epidural Steroid Injections [E.S.I.] for back", but no mention
 13 of interview with Doctor Duncan.

14 23) On April 9th, 2006, Plaintiff Michael P. Williams
 15 Submitted another "Inmate Request For Interview" slip complaining
 16 of severe pain in his right knee and denial of follow-up
 17 interview with Doctor Gregory Duncan. Registered Nurse
 18 [R.N.] J. Flowers responded that: "On August 29th, 2005, an X-RAY
 19 showed no change in Plaintiff's Right Knee, and that it
 20 was Normal". This is complete incompetence on Registered
 21 Nurse [R.N.] J. Flowers, And showed deliberate Indifference, as
 22 documented on his Medical file that Plaintiff "was" operated
 23 on by Orthopedic Surgeon Gregory Duncan on "November 8th,
 24 2005" to correct Doctor Mark M. Law's botched right knee
 25 surgery, so Plaintiff's right knee could "NOT" have been normal
 26 on August 29th, 2005.

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24.) On April 16, 2006, Plaintiff Michael P. Williams
 Submitted another "Inmate Request for Interview" slip
 Complaining of continual severe pain and Suffering on his right
 knee and that Doctor Gregory Duncan stated that Plaintiff
 did not have enough cartilage left to "fully" correct the
 damage to the right knee and that Plaintiff would need to
 Submit to a third (3rd) Surgery soon. Plaintiff requested to
 have a Magnetic Resonance Imaging [M.R.I.] to demonstrate
 the severe damage to his right knee.

25.) On April 19th, 2006, registered Nurse [R.N.] J. Flowers
 responded to Plaintiff's "Inmate Request for Interview" slip stating;
"you have an appointment scheduled with the Primary Care
Provider [P.C.P.] in the near future", But his response only referred
 to medication renewals.

26.) On May 21st, 2006, Plaintiff Michael P. Williams Submitted
 two (2) "Inmate Requests for Interview" directed to the Pelican
 Bay State Prison medical personnel of his severe pain, swelling,
 Grinding and Numbness on the right knee which Plaintiff
 has to endure day and night of the pain and Suffering. On
 May 31, 2006, registered Nurse [R.N.] J. Flowers showed deliberate
 Indifference to Plaintiff's pain and Suffering in his response by
 Stating: "Stop Submitting repeated requests for Medical attention".

27.) On May 24, 2006, Plaintiff Michael P. Williams Submitted
 an "Inmate Request for Interview" slip requesting Medical treatment
 from medical personnel for his right knee that was constantly
 causing severe pain, lack of sleep, swelling and Numbness

1. at times, Plaintiff clearly notified Defendant Facility
 2. Nurse Practitioner [F.N.P.] Sue Risenhove, Registered Nurse [RN]
 3. J. Flowers, and Defendant Chief Medical Officer [C.M.O.]
 4. Michael Sayre, that the pain medication currently prescribed
 5. was "not" working and he sought an Magnetic Resonance
 6. Imaging [M.R.I.] for assessment of the actual damage to his
 7. Right Knee.

8. 28.) A response occurred on May 31, 2006, from Medical
 9. Technical Assistant [M.T.A.] C. McAllister to the May 24, 2006
 10. "Inmate Request for Interview" that stated: "Time elapsed since
 11. Plaintiff's last knee evaluation". There was "NO" response
 12. regarding change of medication for pain and suffering.

13. 29.) Plaintiff Michael P. Williams submitted an "Inmate
 14. Request for Interview" dated May 31, 2006, upon receipt of
 15. M.T.A. C. McAllister's failure to interview him or bring
 16. his complaints to an actual Doctor which clearly
 17. demonstrates deliberate indifference to known serious
 18. medical problems.

19. 30.) Plaintiff Michael P. Williams' "Inmate Request for
 20. Interview" of May 24, 2006 and response of May 31, 2006,
 21. clearly identified a known serious medical condition that was
 22. completely ignored by Pelican Bay State Prison medical personnel
 23. under the supervision by Defendant Chief Medical Officer
 24. [C.M.O.] Michael Sayre, Defendant Facility Nurse Practitioner
 25. [F.N.P.] Sue Risenhove who failed to prescribe adequate
 26. medication for Plaintiff's pain and suffering in his right
 27.

1. Knee. The medication prescribed by Defendant Sue Risenhoover
 2 for Plaintiff's right knee caused vomiting but failed to stop
 3 the pain. Each request was either ignored or failure by Pelican
 4 Bay State Prison medical personnel to prescribe proper medication
 5 for the pain and suffering.

6 31.) On June 2, 2006, Plaintiff Michael P. Williams submitted
 7 a "Health care Services Request form" [Sick call slip] notifying
 8 medical personnel that the pain medication prescribed for severe
 9 pain in his right knee was inadequate as it failed to stop the
 10 daily pain, which prevented normal nightly sleeping; There was
 11 swelling and numbness in the right knee. Plaintiff again
 12 notified medical personnel that Doctor Gregory Duncan had
 13 told him this would occur and would require a third (3rd)
 14 surgery on his right knee. Defendant Sue Risenhoover, Facility
 15 Nurse Practitioner [F.N.P.] saw Plaintiff and indicated a
 16 "request" for an Magnetic Resonance Imaging [M.R.I.] would
 17 be submitted for approval. Defendant Sue Risenhoover waited
 18 until June 19th, 2006, to submit this request to Doctor Gregory
 19 Duncan.

20 32.) On June 7, 2006, Plaintiff Michael P. Williams submitted
 21 an "Inmate Request for Interview" slip which notified Pelican
 22 Bay State Prison medical personnel of the continuous severe
 23 pain, swelling, lack of sleep and numbness in his right knee. On
 24 June 9, 2006, Defendant J. Flowers, Registered Nurse [R.N.]
 25 responded by stating: "you are on the schedule and you have
 26 been since your original sick-call #7362, - unfortunately

1 we are sharing our Primary Care Provider [P.C.P.] with
2 'H'-yard.

3 33.) On June 14, 2006, Plaintiff Michael P. Williams
4 Submitted a "Inmate/Parolee 602 Inmate Appeal form [Log
5 NO. #D-06-01551] to the informal level of Appeal Process
6 indicating "Numerous" requests for proper medical care were
7 sent to the medical personnel since March 3, 2006, but as to
8 date, no adequate medical treatment had been rendered when
9 Plaintiff sought approval for another "Magnetic Resonance
10 Imaging [M.R.I.] to be conducted regarding the continuous
11 Severe pain and daily Suffering of his right Knee.

12 34.) On June 29, 2006, Defendant J. Flowers, registered
13 Nurse [R.N.] "denied" Plaintiff Michael P. Williams' informal level
14 Appeal [Log. NO. #D-06-01551] by stating: "that on August 29, 2005,
15 Plaintiff had an X-Ray which showed no sign of Problem. It
16 Should be noted that documentation in Plaintiff's Medical
17 file indicated that on May 6th, 2005, an M.R.I. was conducted on
18 Plaintiff's right Knee, which in turn, required Orthopedic
19 Surgery on November 8, 2005, for the damage to be repaired.

20 35.) On June 29, 2006, Plaintiff Michael P. Williams
21 Submitted his "Inmate/Parolee 602 Inmate Appeal form [Log
22 NO. #D-06-01551] to the formal level Review indicating
23 Plaintiff was dissatisfied with the informal level's
24 review and Statements of June 29, 2006, by Defendant J.
25 Flowers.

26 36.) On July 5, 2006, Plaintiff Michael P. Williams
27
28

1. Submitted a "INMATE REQUEST FOR INTERVIEW" slip to Defendant
 2. J. Flowers, registered Nurse [R.N.], notifying him that "X-Rays
 3. do not show cartilage, tendons, and tissue, but a Magnetic
 4. Resonance Imaging [M.R.I.] would clearly identify any and
 5. all damages to Plaintiff's right knee which is causing severe
 6. pain and suffering. Defendant J. Flowers indicated in his
 7. response: "you will be scheduled soon for follow-up."

8. 37.) On July 11, 2006, Plaintiff Michael P. Williams Submitted
 9. yet another "Inmate Request for INTERVIEW" slip to "O"-clinic
 10. Medical personnel Defendant(s) Sue RisenHoover, Facility Nurse
 11. Practitioner [F.N.P.] and J. Flowers, Registered Nurse [R.N.]
 12. who had denied Plaintiff medical treatment. Plaintiff once
 13. again brought to the Defendant's attention that he was
 14. suffering severe right knee pain that was becoming
 15. progressively worse, with swelling, grinding and numbness.

16. 38.) On July 24th, 2006, Defendant Sue RisenHoover, Facility
 17. Nurse Practitioner [F.N.P.] had Plaintiff brought to the "O"-
 18. facility clinic, at which time, Defendant Sue RisenHoover
 19. stated: "I submitted the proper medical forms in order for
 20. Plaintiff to obtain a Magnetic Resonance Imaging [M.R.I.]
 21. but it was denied because previous X-rays had shown
 22. nothing wrong with right knee." Plaintiff then informed
 23. Defendant Sue RisenHoover that these statements were not
 24. supported by any facts as Plaintiff previously had X-rays
 25. on his right knee but then was afforded an M.R.I., that
 26. clearly showed torn meniscuses, requiring surgery for the

1. damage on two (2) separate occasions in 2004, and
2. 2005.

3. 39.) On August 1, 2006, Plaintiff Michael P. Williams
4. Submitted a "Health Care Services Request form [Sick call
5. slip] regarding the continuous severe right knee pain
6. that was getting worse and the joint started "Popping"
7. out of place, with grinding in the right knee and swelling.

8. 40.) On August 7, 2006, Plaintiff Michael P. Williams was
9. taken to the "D"-clinic to be seen by Defendant Sue
10. RisenHoover, Facility Nurse Practitioner [F.N.P.] to discuss the
11. medication problem regarding Plaintiff's right knee and
12. Submittal of another request for a Magnetic Resonance
13. Imaging [M.R.I.] for Plaintiff's right knee. That was again
14. "denied" by the Medical Authorization Review [MAR]
15. Committee alleging that the right knee was normal.
16. Plaintiff disputed this assertion and explained that on
17. two (2) occasions the x-ray's could not show the detailed
18. damage the M.R.I. did, and would, to identify the
19. damage to the right knee.

20. 41.) On August 16, 2006, Plaintiff Michael P. Williams
21. received his "Inmate/Parolee 602 Inmate Appeal form [LOG
22. NO. "D-06-01551"] First level response from Defendant(s)
23. Sue RisenHoover, Facility Nurse Practitioner [F.N.P.] [P.C.P.],
24. and Michael Sayre, M.D., Chief Medical Officer [C.M.O.]
25. denying Plaintiff's Complaints. Defendant(s) laid out the
26. Appeal issues to and including Defendant J. Flowers,

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28.

1 Registered Nurse [R.N.] informal Level Review response indicating
 2 that: "On August 29, 2005, x-rays showed a "Normal Knee," and/
 3 or with internal changes; On June 26, 2006, the Utilization
 4 Management Committee [U.M.C.] met and authorized "Physical
 5 Therapy" for 4-5 visits at the Specialty Clinic and getting,
 6 "INDOMETHOCIN" 50 mg./P.O./Q.D., since June 21, 2006.
 7 Defendant Michael Sayre, M.D., noted in his formal level
 8 response: "He had personally examined Plaintiff's on June 1st, 2006,
 9 where the Black neoprene knee sleeve was removed to examine
 10 the right knee. Defendant Michael Sayre, M.D., stated: "The
 11 Patella was tender to Palpate, as well as the medial /lateral
 12 joint lines." Plaintiff notified both Defendant(s) Sue Risen Hoover,
 13 Primary Care Provider [P.C.P.] and Michael Sayre, M.D., that "it
 14 hurt to extend his right knee."

15 42.) On August 7th, 2006, Defendant(s) Sue Risen Hoover,
 16 Primary Care Provider [P.C.P.], and Michael Sayre, (M.D.), prescribed
 17 Plaintiff Michael P. Williams "Amitriptyline" H.C.L. 25 mg.
 18 tablets. — But after thirty (30) days the dosage was
 19 reduced to 10 mg. tablets, one per day.

20 43.) On September 19, 2006, and September 30, 2006,
 21 Defendant(s) Joseph Krawitz, Health Program Coordinator [H.P.C.],
 22 and Maureen McLean, Health Care Manager [H.C.M.] responded
 23 to Plaintiff Michael P. Williams' "Inmate/Parolee 602 Inmate
 24 Appeal form" [Log no. # D-06-01551] who "Partially Granted"
 25 the 602 Inmate Appeal by designating Plaintiff to do
 26 "Physical Therapy" for the right knee but "DENIED" the
 27

1. Magnetic Resonance Imaging [M.R.I.] examination. Plaintiff
 2. began "Physical Therapy" but the therapist's prescribed
 3. exercises and repetitions were beyond Plaintiff's right
 4. knee capacity, ability, and strength as it caused severe
 5. pain. Plaintiff was only able to do 1 to 3 repetitions for
 6. the four (4) therapy sessions but it was then discontinued.
 7. Plaintiff did indicate that he was sleeping better with
 8. the new medication "Amitriptyline" at 25 mg., but the
 9. defendant reduced the prescription to 10 mg., which was
 10. then not effective up to the present date.

11. 44.) On November 28, 2006, Defendant N. Grannis,
 12. Sacramento Inmate Appeals Branch, responded to Plaintiff's
 13. "Inmate/Parolee 602 Inmate Appeal [log no. *D-06-01551]
 14. filed at Directors Level Appeal decision [LOG NO. *I.A.B.,
 15. case no. *0604008]" that "approved" the previous Defendant(s)
 16. responses to Plaintiff's medical conditions and treatment,
 17. as well as concurring with the Medical Authorization
 18. Review [MAR] Committee's "DENIAL" of an M.R.I., but
 19. approved the 4 or 5 sessions of Physical Therapy. There was
 20. no independent investigation into Plaintiff's complaints
 21. of medical deliberate Indifference, Cruel and Unusual
 22. Punishment and pain and suffering up to the date of
 23. response.

24. 45.) On October 2, 2006, Plaintiff Michael P. Williams
 25. submitted a "Health Care Services Request form" identifying
 26. his medical problem with continued severe right knee
 27.

1. pain, swelling, numbness and grinding noises in the right
 2. knee joint. Also, a continued request for an M.R.I. to
 3. identify the knee damage.

4. 46.) On October 11, 2006, Plaintiff was escorted to
 5. the "D"-facility clinic to be seen by Defendant Sue
 6. RisenHoover, facility Nurse Practitioner [F.N.P.] regarding
 7. Plaintiff's severe right knee pain, constant swelling, numbness
 8. and with pain on a scale of level six (6). Plaintiff then
 9. notified Defendant Sue RisenHoover that the 'Physical
 10. Therapy' routine did not help his knee, when he was able
 11. to actually do the exercise, which actually exasperated the
 12. right knee to a point of causing extreme pain and suffering
 13. for days thereafter the Physical Therapy sessions.

14. 47.) On October 30, 2006, Plaintiff Michael P. Williams
 15. was called to the "D"-section/pod door to be seen by Linda
 16. Gaum, registered nurse [R.N.] where Plaintiff complained to
 17. her about the severe pain in his right knee. Linda Gaum [R.N.]
 18. stated she would refer Plaintiff to the Primary Care
 19. Provider [P.C.P.], Defendant Sue RisenHoover, as Ms. Gaum
 20. [R.N.] stated she was unable to properly evaluate the right
 21. knee due to the scope of her license in a registered nurse
 22. position.

23. 48.) On December 4th, 2006, and December 11th, 2006, Plaintiff
 24. Michael P. Williams submitted "Health Care Services" request forms
 25. [sick call slips] attempting to bring to the attention of
 26. "D"-facility medical personnel Defendant Sue RisenHoover,

27.
 28.

1 facility Nurse Practitioner [F.N.P.] that his right knee pain was
 2 becoming worse daily and he needed medical attention and
 3 a "Magnetic Resonance Imaging [M.R.I.] exam to identify
 4 the actual damage to the right knee for a potential
 5 future surgery to Plaintiff's known and serious medical
 6 condition that affects his daily activities which creates
 7 pain and suffering.

8 49) On March 2, 2007, Plaintiff Michael P. Williams
 9 received a "Physicians Progress Report" and "Physicians Orders"
 10 to determine the damage to the right knee ordered by
 11 Pelican Bay State Prison's Contracted Orthopedist Specialist
 12 Gregory Duncan, M.D., recommending a "Magnetic Resonance
 13 Imaging [M.R.I.] to be conducted on Plaintiff's right
 14 knee to make an actual determination of recurrent
 15 tears on the medial meniscus.

16 50) On April 10, 2007, Plaintiff personally wrote a
 17 letter to Defendant Michael Sayre, M.D., Chief Medical Officer
 18 [C.M.O.] at Pelican Bay State Prison to notify him that
 19 Since February 2006, Plaintiff has been complaining about
 20 a tear and re-injury of his right knee, and repeatedly
 21 requested a Magnetic Resonance Imaging [M.R.I.] exam to
 22 actually determine the damage sustained to his right knee
 23 since the last surgery on November 8, 2005. Plaintiff
 24 explained that both the Physical Therapist and Orthopedic
 25 Specialist Gregory Duncan, M.D., had determined that:
 26 More tests were required on the right knee; and an MRI.

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1. was advised to actually determine recurrent tears in the
 2. medial meniscus of the right knee. Defendant Michael
 3. Sayre, M.D., Chief Medical Officer [C.M.O.] actually failed
 4. to follow the Orthopedic Specialist's Gregory Duncan, M.D.,
 5. recommendation clearly showed deliberate Indifference to
 6. Plaintiffs' severe pain and Suffering.

7. 51.) On May 2, 2007, and May 7, 2007, Plaintiff
 8. Michael P. Williams was escorted to the "D" facility clinic
 9. to be seen by Defendant Sue Risenhoover, Facility Nurse
 10. Practitioner [F.N.P.] regarding medical problems with his
 11. right knee. Plaintiff was informed that the Medical
 12. Authorization Review [MAR] committee was again "denied"
 13. a Magnetic Resonance Imaging [M.R.I.] exam but, he could
 14. get the M.R.I. "If" he stipulated to submit to
 15. Surgery on his right knee. Plaintiff "AGREED" to these
 16. terms but then the MAR committee retracted its proposal
 17. because of Budget cuts. This blatant "Denial" of a
 18. needed medical procedure and surgery is improper and shows
 19. deliberate Indifference to Plaintiffs' known severe medical
 20. needs, which in turn, show cruel and unusual Punishment
 21. to Plaintiffs' known Pain and Suffering.

22. 52.) On September 3rd, 2007, Plaintiff Michael P. Williams
 23. was escorted to the "D" facility clinic to be seen by
 24. Defendant Sue Risenhoover, facility Nurse Practitioner [F.N.P.]
 25. whom stopped Plaintiff from seeking medical treatment for
 26. his right knee, and that he would have to submit another

1 Medical form to be interviewed.

2 52) On November 28th, 2006, a review and report was
 3 Submitted by Defendant R. Pimental, Pelican Bay State Prison,
 4 Facility Captain, who was acting for the California Department
 5 of Corrections and Rehabilitations [C.D.C.R.] - Directors assigned
 6 reviewer, that was Submitted to Defendant N. Gramms,
 7 Chief Inmate Appeal Branch, appointed by the Director of
 8 Corrections to respond to inmate Appeals. The Director's Level
 9 Reviewer designatee "Denied" the Appeal claims Submitted
 10 by Plaintiff that exhausts All Administrative remedies.
 11 Defendant R. Pimental accepted the Pelican Bay State Prison's
 12 Second [and] Level reviews, Defendant(s) Joseph Krawitz
 13 and Maureen McLean, response findings submitted on September
 14 19th, 2006. The reviewers indicated that the Appellant has
 15 been evaluated by his Primary Care "Physician" and that
 16 his case was referred to the MAR. That the MAR [Medical
 17 Authorization Review committee] is composed of the institutions
 18 Medical Doctor's and Health care Manager, and they have final
 19 Approval prior to an outside consultation being ordered. The
 20 D.L.R. [Directors Level Review] finds that the Appellants
 21 Medical concerns are being adequately addressed by the
 22 institution. [It should be noted that, there is "NOT" a Primary
 23 Care "Physician" at Pelican Bay State Prison but there is a
 24 Primary Care Practitioner, Defendant Sue RisenHoover, Facility
 25 "NURSE" Practitioner].

26 53) Each Defendant(s) were acting in their Official
 27
 28

1. and individual capacities as employees of the State of
 2. California and California Department of Corrections and
 3. Rehabilitations under the color of State Law. Each defendant
 4. acting in their assigned positions, affected their actions
 5. and inactions, which affected Plaintiffs' health and safety;
 6. clearly demonstrating deliberate indifference causing cruel
 7. and unusual punishment which caused Plaintiff pain and
 8. suffering.

9 10 11 LEGAL CLAIMS

12 First Cause of Action

13 [EIGHTH AMENDMENT VIOLATION
 14 OF DELIBERATE INDIFFERENCE
 15 TO SERIOUS MEDICAL CONDITION
 16 AND TREATMENT.]
 17

18
 19 54.) Plaintiff alleges and incorporates by reference
 20 of paragraph's 7 through 53 of the complaint:

21 A.) Defendant(s) Sue Risenhoover, Facility Nurse
 22 Practitioner [F.N.P.] And James Flowers, Registered Nurse [R.N.]
 23 violated Plaintiffs' Eighth Amendment Constitutional Right by
 24 their deliberate indifference in failure to recognize a serious
 25 medical condition and proper medical treatment of the right
 26 knee causing pain and suffering.

1 B.) Defendant(s) Sue RisenHoover and James Flowers
 2 violated Plaintiffs' eighth amendment constitutional right by
 3 deliberate Indifference to numerous requests from Plaintiff
 4 for medical treatment, M.R.I. [Magnetic Resonance Imaging] and
 5 Surgery in an attempt to assess damages to the right Knees
 6 Cartilage, tendons and muscles.

7 C.) Defendant(s) Sue RisenHoover and James Flowers
 8 violated Plaintiffs' Eighth Amendment constitutional right by
 9 their deliberate Indifference in failing to provide proper
 10 medical care and treatment of the right Knee after repeated
 11 notifications of the severe pain and suffering that affected
 12 Plaintiffs' daily activities from April 2, 2006 to Present
 13 day.

14 d.) Defendant(s) Michael Sayre; Sue RisenHoover, and
 15 James Flowers violated Plaintiffs Eighth Amendment constitutional
 16 right in their designated Medical Personnel positions that
 17 showed "deliberate Indifference" by continuous denial of proper
 18 Physical Medical Examination and Magnetic Resonance Imaging
 19 [M.R.I.] to the right Knee to enable the contracted
 20 Orthopedic Surgeon to review the imaging but by their
 21 continual denial of medical consultation; the progression
 22 of damage to the right Knee progressed from 2006 to the
 23 present date that constituted cruel and unusual Punishment
 24 and the severity of pain and Suffering occurred daily to
 25 affect Plaintiffs' daily activities.

26 e.) Defendant(s) Michael Sayre; Sue RisenHoover and
 27

1 James Flowers violated Plaintiffs Eighth Amendment
 2 Constitutional Right by their "deliberate Indifference" to the
 3 ongoing and progressive damage to the right knee
 4 exhibited cruel and unusual punishment to a known serious
 5 medical need that caused pain and suffering from 2006 to
 6 present date.

7 F.) Defendant(s) Michael Sayre; Sue RisenHoover and
 8 James Flowers violated Plaintiffs Eighth Amendment
 9 Constitutional Rights from cruel and unusual punishment
 10 by their failure to properly diagnose a serious medical
 11 condition of damage to the right knee, tendons, ligaments
 12 and potential tear of the medial meniscus by ordering
 13 a consultation with the contracted Orthopedic Surgeon
 14 Gregory Duncan, M.D.; to examine Plaintiffs Right Knee from
 15 2006 to present date.

16 G.) Defendant(s) Michael Sayre; Sue RisenHoover and James
 17 Flowers violated Plaintiffs Eighth Amendment Constitutional
 18 Right by demonstrating "deliberate Indifference" to the
 19 severe medical condition of the right knee which constitutes
 20 cruel and unusual punishment after written and verbal
 21 notification of severe pain and suffering in the right knee;
 22 Defendant(s) then confiscated Plaintiff's knee brace sleeve
 23 on June 14th, 2007, leaving Plaintiff to suffer movement,
 24 imbalance, severe increased pain, swelling, numbness and
 25 grinding in the right knee joint in June, 2007 to present
 26 day.

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1 H.) Defendant(s) Michael Sayre, Sue RisenHoover and
 2 James Flowers violated Plaintiff's first, Eighth, and fourteenth
 3 Amendments by Submitting incorrect documentation on an
 4 Inmate Appeal/Grievance, to deny medical treatment for severely
 5 painful and damaged right knee. These Defendants ignored
 6 written and verbal communications by Plaintiff that an x-ray
 7 would not clearly show any muscle, tendon, or cartilage damage
 8 but would require Magnetic Resonance Imaging [M.R.I.] as
 9 was necessary on the two (2) previous occasions prior to
 10 Orthopedic Surgery.

11 I.) Defendant(s) Michael Sayre, Sue RisenHoover and
 12 James Flowers violated Plaintiff's first, Eighth and fourteenth
 13 Amendments by Submitting and personally verifying each other's
 14 incorrect statements on an Appeal/Grievance in denying
 15 Plaintiff proper medical care and treatment for a severely
 16 damaged right knee demonstrates deliberate Indifference
 17 and cruel and unusual punishment by their action and
 18 inactions to cause Plaintiff pain and suffering in denying
 19 medical care and treatment.

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Second Cause of Action

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[VIOLATION OF FIRST AND FOURTEENTH
 AMENDMENTS APPEAL INVESTIGATIONS
 POLICY AND PROCEDURES]

1 55.) Plaintiff alleges and incorporates by reference to
2 paragraphs 7 through 53 in the Complaint:

3 A.) Defendant(s) Joseph Kravitz, Maureen McLean, Michael
4 Sayre, Sue RisenHoover and James Flowers violated Plaintiffs'
5 First and Fourteenth Amendments by Submitting incorrect
6 documentation in their Appeal/Grievances responses that
7 attempted to verify each other's statements as of September
8 19th and 30th 2006. Findings: Stating Defendant Maureen McLean
9 was assigned to investigate Plaintiffs' allegations and, Defendant
10 Joseph Kravitz, was conducted of the issues in the Inmate
11 Appeal/Grievance. The medical Program for Physical Therapy
12 occurred on four (4) occasions in October 2006; But although
13 the program was inacted it was too strenuous for Plaintiffs
14 severely damaged right knee and, caused further damage, Pain
15 and Suffering. The medication "Amitriptyline" (H.C.L. 25mg)
16 tablet was ordered for thirty (30) days and then reduced to
17 Ten (10) mg., without any consultation; The medical chrono
18 for one (1) year Knee sleeve was suddenly canceled on June
19 14th, 2007; And the Knee sleeve confiscated by medical personnel for
20 no apparent medical reason. By these defendant(s) actions
21 Plaintiff has been denied proper medical care and treatment
22 for a known severe medical condition; Has subjected Plaintiff
23 to pain and Suffering without a justification or
24 Penological interest.

Third Cause of Action

[Violations of First, Eighth and
Fourteenth Amendments - Appeal
Investigations, Policy and Procedures;
California Code of Regulations, Title
15 § 3354]

56.) Plaintiff alleges and incorporates by reference to paragraphs 7 through 53 on the complaint:

A.) Defendant(s) R. Pimental; N. Grannis; Joseph Kravitz; Maureen McLean; Michael Sayre; Sue RisenHoover; and James Flowers violated Plaintiffs' First, Eighth and Fourteenth Amendments rights by Submitting incorrect documentation and failure to investigate issues cited in the Inmate APPEAL/ Grievance form but did a cursory verification of each others conspiratorial statements/ findings: The Defendant(s) Responses cite the California Code of Regulations; Title 15, Section § 3354 establishes that "ONLY" qualified staff SHALL be permitted to diagnose illness, prescribe medication and medical treatment for inmates. Defendant Sue RisenHoover is a "NURSE" and does "NOT" have a Medical degree nor Physicians License to practice medicine, diagnose illnesses or diagnose Orthopedic Specialties injuries in the State of California, but Defendant Sue RisenHoover has continually denied Plaintiff access to a Physician and/or Orthopedic Specialist Gregory Duncan,

1. consultant for the Prison, to assess the medical course and
2. treatment of Plaintiffs' severely damaged and painful right
3. knee, which constitutes "deliberate indifference" and "cruel
4. and unusual punishment" in regards to Defendant(s) action
5. to cause Plaintiff Pain and Suffering.

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Fourth Cause of Action

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10 [Violations of First and Eighth
 11 Amendments - Appeal Investigations -
 12 Policy and Procedures; California
 13 Code of Regulations - Title 15, section
 14 § 3084]

15

16 57.) Plaintiff alleges and incorporates by reference to
 17 paragraphs 7 through 53 on the complaint:

18

19 A.) Defendant(s) Joseph Krawitz; Maureen McLean; Michael
 20 Sayre; Sue Risen Hoover and James Flowers violated Plaintiffs First
 21 and Eighth Amendments by knowingly and failure to afford
 22 or order proper medical care and treatment for a known
 23 severe physical injury documented on Plaintiffs' medical file,
 24 which each defendant had access to, and reviewed to show
 25 that orders had been previously issued for two (2) separate
 26 Magnetic Resonance Imaging [M.R.I.] prior to two (2) Orthopedic
 27 surgeries on the right knee in 2004 and 2005. The Defendant(s)

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1 failed to perform an investigation to the Appeal/Grievance issues
 2 that violated the Policies and Procedures outlined in the
 3 California Code of Regulations - Title 15, Section § 3084, and who
 4 knowingly attempted to cover up Defendant Sue Risen Hoover's
 5 actions and inactions to deny Plaintiff proper medical care and
 6 treatment for a known severe right knee injury, which clearly
 7 demonstrated "deliberate Indifference," with a culpable state of
 8 mind, that constitutes cruel and unusual punishment to Plaintiff's
 9 long standing Pain and Suffering.

12 Fifth Cause Of Action

14 [Violation Of First, Eighth And
 15 Fourteenth Amendments - Appeal
 16 Investigation - Policy And
 17 Procedures; Cruel And Unusual
 18 Punishment - Pain And Suffering]

20 58.) Plaintiff alleges and incorporates by reference to
 21 paragraphs 7 through 53 to the complaint:

22 A.) Defendant(s) R. Pimental; N. Grannis; Joseph
 23 Kravitz; Maureen Melean; Michael Sayre; Sue Risen Hoover and
 24 James Flowers violated Plaintiff's First, Eighth and Fourteenth
 25 Amendment(s) by failure to properly investigate an Inmate
 26 Appeal/Grievance form issues and Personal Knowledge of

1 Plaintiff's serious medical condition but continue to deny
 2 proper medical care and treatment, for a severely damaged
 3 right knee. Each Defendant had personal knowledge and/or
 4 reviewed Plaintiff's medical files and any reports. Defendant
 5 James Flowers documented on the Inmate Appeal/Grievance
 6 on June 29th, 2006, stated that on August 29th, 2005, and January
 7 12, 2006, an X-Ray was done on the right knee which showed
 8 a "normal knee" and/or "normal knee with internal changes".
 9 Plaintiff had Orthopedic Surgery on July 20, 2004, and on
 10 November 8, 2005, on the right knee. Defendant Michael Sayre
 11 saw Plaintiff on June 19, 2006, who observed and documented
 12 that Plaintiff's right knee medical problem, upon removal of a
 13 Black neoprene knee sleeve noted: "The Patella was tender to
 14 palpate, as well as the medial/lateral joint lines, Plaintiff
 15 stated it hurt to extend the knee". Due to the Defendant(s)
 16 documentation and review of Plaintiff's medical file showed
 17 a culpable state of mind to Plaintiff's serious medical
 18 condition clearly shows "deliberate indifference" by each defendant
 19 constitutes cruel and unusual punishment by the pain and
 20 suffering Plaintiff has suffered since 2006 up to present date.

23 CAUSATION

25 As a direct and proximate result of the
 26 aforementioned acts and omissions on the part of Defendant(s),
 27

1 Plaintiff has suffered and continues to suffer General and
 2 special damages in an amount to be proven at trial. Plaintiff
 3 has no further plain, adequate or complete remedy at law to
 4 redress wrongs described herein. Plaintiff has been and will
 5 continue to be irreparable injured by the conduct of Defendant(s)
 6 unless the Court Grants the Declaratory and Injunctive Relief
 7 which Plaintiff seeks.

8 9 10 Conclusion

11
12 wherefore Plaintiff requests that this Honorable Court
 13 GRANT the following relief:

14 A.) Issue declaratory Judgement that the Defendant(s)
 15 violated Title 15, California Code of Regulations; California State
 16 Law and United States Constitutional Rights First, Eighth and
 17 Fourteenth Amendments, when they:

18 1.) violated Plaintiffs clearly established First Amendment
 19 Right under title 15, California Code of Regulations; California
 20 and United States Constitutions;

21 2.) violated Plaintiffs clearly established First and
 22 Fourteenth Amendments rights to an Inmate Appeal/Grievance
 23 form to notify and see administrative remedy to correct
 24 denial of proper medical care and treatment for a serious
 25 medical condition of the right knee;

26 3.) violated Plaintiffs clearly established First and

1. Fourteenth Amendments right to file an Inmate Appeal / Grievance
 2. form to receive proper medical attention from a licensed Physician
 3. for the serious medical problem of the right knee.

4. 4.) Violated Plaintiffs' clearly established first and
 5. Fourteenth Amendments right to file an Inmate Appeal / Grievance
 6. form to obtain a proper investigation in the denial of proper
 7. medical care and treatment for a serious medical problem as
 8. each defendant knew of or should have known or by reviewing
 9. Plaintiffs medical file.

10. 5.) Violated Plaintiffs clearly established first and fourteenth
 11. Amendments right to file an Inmate Appeal / Grievance form and
 12. be afforded an unbiased investigate when the facts are in
 13. Plaintiffs Medical file to prove two (2) prior M.R.I.'s and
 14. Surgeries on the right knee, that required a third (3rd)
 15. Orthopedic Surgery to correct the right knee damage.

16. 6.) Violated Plaintiffs clearly established first and fourteenth
 17. Amendments right to file an Inmate Appeal / Grievance form to
 18. correct incorrect or false documentation submitted into the
 19. Central Prison file and/or medical file to prevent proper medical
 20. care and treatment for the damaged right knee.

21. 7.) Violated Plaintiffs' clearly established Eighth Amendment
 22. right by showing deliberate indifference to a known serious
 23. medical condition that caused cruel and unusual punishment by
 24. the severe pain and suffering.

25. 8.) Violated Plaintiffs' clearly established Eighth Amendment
 26. right by showing deliberate indifference through culpable state

27.

28.

1 of mind for denial of proper medical care and treatment was
 2 Cruel and Unusual Punishment for a known severely damaged
 3 right knee that caused pain and suffering.

4 9.) Violated Plaintiffs clearly established Eighth Amendment
 5 right by denying, delaying or intentionally interfere with
 6 medical treatment that is necessary to remove and correct the
 7 severe damage to the right knee.

8 10.) Violated Plaintiffs clearly established Eighth
 9 Amendment right to be afforded a Magnetic Resonance Imaging
 10 [M.R.I.] to determine the damage to the right knee for
 11 corrective surgery.

12 11.) Violated Plaintiffs clearly established Equal Protection
 13 rights as a prisoner under Article 1, Section 7, of the
 14 California Constitution and the Fourteenth Amendment of the
 15 United States Constitution.

16
 17 B.) Grant compensatory damages in the amount of
 18 \$1,000,000 [one (1) million] dollars for Pain and Suffering
 19 from each Defendant;

20
 21 C.) Grant General and Special damages in the amount
 22 to be determined by a jury at the time of trial;

23
 24 D.) Grant Judgement of Punitive damages in the
 25 amount of \$1,000 [one (1) thousand] dollars, per day, from
 26 each defendant individually and separately;

27

28

1 E.) Grant compensatory damages in the amount
 2 of \$ 1,000,000⁰⁰ [one (1) million] dollars for cruel and unusual
 3 Punishment and pain and Suffering against each Defendant,
 4 individually and Separately;

5
 6 F.) Trial by Jury on All issues triable by Jury;

7 G.) Judgement against each defendant for the cost
 8 of this lawsuit and Pursuit of Civil Action Complaint;

9 H.) Reasonable Attorney fees as provided by 42 U.S.C.
 10 § 1988;

11 I.) Such other and further relief this Court may
 12 deem just, proper and equitable.

13
 14
 15 Dated: June 15th, 2008

Respectfully Submitted
 16 /s/ Michael P. Williams
 17 Michael P. Williams /#J-67758

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 19 IN PROPRIA PERSONAM
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PELICAN BAY STATE PRISON
PO BOX 7500

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